

MINUTES

ORANGE COUNTY FIRE AUTHORITY

Board of Directors Special Meeting
Thursday, December 11, 2013
1:00 P.M.

Regional Fire Operations and Training Center
Board Room
1 Fire Authority Road
Irvine, CA 92602-0125

CALL TO ORDER

A special meeting of the Orange County Fire Authority Board of Directors was called to order on December 11, 2013, at 1:00 p.m. by Chair Steven Weinberg.

INVOCATION

Chaplain Bob George offered the invocation.

PLEDGE OF ALLEGIANCE

Director Kelley led the assembly in the Pledge of Allegiance to our Flag.

ROLL CALL

Present: Randal Bressette, Laguna Hills
Carol Gamble, Rancho Santa Margarita
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Warren Kusumoto, Los Alamitos
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
David Sloan, Seal Beach
Elizabeth Swift, Buena Park
Steven Weinberg, Dana Point

Rick Barnett, Villa Park
Gerard Goedhart, La Palma
Gene Hernandez, Yorba Linda
Trish Kelley, Mission Viejo
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
David Shawver, Stanton
Todd Spitzer, County of Orange
Phillip Tsunoda, Aliso Viejo

Absent: Joseph Aguirre, Placentia
Bob Baker, San Clemente
Tri Ta, Westminster

Sam Allevato, San Juan Capistrano
Pat Bates, County of Orange
Sal Tinajero, Santa Ana

Also present were:

Fire Chief Keith Richter
Deputy Chief Craig Kinoshita
Assistant Chief Dave Thomas
Clerk of the Authority Sherry Wentz
Interim Human Resources Director Janet Wells

General Counsel Dave Kendig
Assistant Chief Brian Stephens
Assistant Chief Lori Zeller
Assistant Clerk Lydia Slivkoff

PRESENTATIONS

No items.

PUBLIC COMMENTS (F: 11.11)

Chair Weinberg opened the Public Comments portion of the meeting.

Stephen Wontrobski, Mission Viejo resident, provided public comments regarding his suggestions on the upcoming labor negotiations process.

Chair Weinberg closed the Public Comments portion of the meeting.

On motion of Director Kelley and second by Director Bressette, the Board voted unanimously to consider Agenda Item Nos. 3-4 after Closed Session, and reorder Agenda Item Nos. 1 and 2.

DISCUSSION CALENDAR

2. Appointment of Professional Labor Negotiator (F: 17.10J1)

Fire Chief Richter provided a report on the selection of a Professional Labor Negotiator.

Stephen Wontrobski, Mission Viejo resident, provided public comments in support of the appointment. He provided a letter, which is on file in the Office of the Clerk.

A lengthy discussion ensued.

On motion of Director Kelley and second by Director Lalloway, the Board voted by roll call vote to:

1. Find that, due to the significant time constraints, it would be impractical to follow the bidding requirements in the OCFA Purchasing Rules and Regulations prior to approval of the selection, and find that the welfare of the public would be promoted by dispensing with the bidding requirements for this appointment.
2. Approve the Professional Services Agreement with, and appoint, Peter Brown (Liebert Cassidy Whitmore) to serve as OCFA's professional labor negotiator, for a cost of \$100,000, covering the period of January through June 2014.
3. Authorize a contingency amount of \$50,000, to be used only if needed, in the event negotiations require more hours of service than initially anticipated.

SUPPORT (16)

Randal Bressette, Laguna Hills
Carol Gamble, Rancho Santa Margarita
Gene Hernandez, Yorba Linda
Trish Kelley, Mission Viejo
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
David Sloan, Seal Beach
Phillip Tsunoda, Aliso Viejo

Rick Barnett, Villa Park
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
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OPPOSED (3)

Gerard Goedhart, La Palma
Todd Spitzer, County of Orange

Warren Kusumoto, Los Alamitos

ABSTAINED (0)

None

ABSENT (6)

Joseph Aguirre, Placentia
Bob Baker, San Clemente
Tri Ta, Westminster

Sam Allevato, San Juan Capistrano
Pat Bates, County of Orange
Sal Tinajero, Santa Ana

MINUTES (F: 11.06)

1. Request to Review Minutes of the Regular Board of Directors Meeting held on September 26, 2013, and Special Board of Directors Meeting held on October 7, 2013

Stephen Wontrobski, Mission Viejo resident, provided public comments in opposition to the findings of the Clerk's review of the video tape of the September 26, 2013, and requested the minutes reflect his opposition to the purchasing/procurement audit.

On motion of Director McCullough and second by Director Kelley, the Board voted unanimously to approve the Minutes of the regular Board of Directors meeting held on September 26, 2013, as originally submitted, and the Minutes of the special Board of Directors meeting held on October 7, 2013, as amended. Director Lalloway was absent for the vote.

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matter on the Agenda identified as CS1, Public Employee Performance Evaluation and CS2, Conference with Legal Counsel-Existing Litigation.

Chair Weinberg recessed the meeting to Closed Session at 1:57 p.m.

CS1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position: Fire Chief
Authority: Government Code Section 54954.5

CS2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: Orange County Fire Authority V. California Department of Industrial Relations, e.t. al.
Case No.: OC Superior Court Case No. 30-2013-00628178
Authority: Government Code Section 54956.9(A)

Chair Weinberg reconvened the meeting at 4:45 p.m. with Directors Gamble, Kelley, and Sloan absent.

CLOSED SESSION REPORT (F: 11.15)

General Counsel Dave Kendig reported the Board completed the Fire Chief's evaluation, and no reportable action on CS2.

REPORT FROM THE BUDGET AND FINANCE COMMITTEE CHAIR (F: 11.11)

There was no report, as the Budget and Finance Committee did not meet in December.

CONSENT CALENDAR

No items.

DISCUSSION CALENDAR

3. FY 2012/13 Backfill/Overtime and Total Earnings/Compensation Analysis (F: 15.11)

Finance Manager/Auditor Jim Ruane provided a PowerPoint presentation on the FY 2012/13 Backfill/Overtime and Total Earnings/Compensation Analysis.

Stephen Wontrobski, Mission Viejo resident, provided public comments in opposition to the FY 2012/13 Backfill/Overtime and Total Earnings/Compensation Analysis noting the report was in conflict with the Grand Jury posted compensation data.

Director Lalloway left at this point (5:10 p.m.)

On motion of Director Bressette and second by Director Hernandez, the Board voted by roll call vote to receive and file the report.

SUPPORT (12)

Randal Bressette, Laguna Hills
Gerard Goedhart, La Palma
Robert Johnson, Cypress
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
Elizabeth Swift, Buena Park

Rick Barnett, Villa Park
Noel Hatch, Laguna Woods
Warren Kusumoto, Los Alamitos
Kathryn McCullough, Lake Forest
David Shawver, Stanton
Steven Weinberg, Dana Point

OPPOSED (0)

None

ABSTAINED (2)

Gene Hernandez, Yorba Linda

Todd Spitzer, County of Orange

ABSENT (11)

Joseph Aguirre, Placentia
Bob Baker, San Clemente
Carol Gamble, Rancho Santa Margarita
Jeffrey Lalloway, Irvine
Tri Ta, Westminster
Phillip Tsunoda, Aliso Viejo

Sam Allevato, San Juan Capistrano
Pat Bates, County of Orange
Trish Kelley, Mission Viejo
David Sloan, Seal Beach
Sal Tinajero, Santa Ana

4. Proposed Human Resources Committee (F: 12.02D)

Chief Richter provided an overview of the proposed Human Resources Committee.

Director Lalloway returned at this point (5:25 p.m.)

On motion of Director Spitzer and second by Director Bressette, the Board voted by roll call vote to:

1. Approve the proposed Human Resources Committee in concept.
2. Direct staff to revise the proposed membership of the committee to consist of seven Directors, with the selection process mirroring the same as the Budget and Finance Committee, and return the revised Board Rules of Procedure at the next regular meeting of the Board of Directors for its consideration.

SUPPORT (14)

Randal Bressette, Laguna Hills
Noel Hatch, Laguna Woods
Robert Johnson, Cypress
Jeffrey Lalloway, Irvine
Kathryn McCullough, Lake Forest
David Shawver, Stanton
Elizabeth Swift, Buena Park

Rick Barnett, Villa Park
Gene Hernandez, Yorba Linda
Warren Kusumoto, Los Alamitos
Jerry McCloskey, Laguna Niguel
Al Murray, Tustin
Todd Spitzer, County of Orange
Steven Weinberg, Dana Point

OPPOSED (1)

Gerard Goedhart, La Palma

ABSTAINED (0)

None

ABSENT (10)

Joseph Aguirre, Placentia
Bob Baker, San Clemente
Carol Gamble, Rancho Santa Margarita
David Sloan, Seal Beach
Sal Tinajero, Santa Ana

Sam Allevato, San Juan Capistrano
Pat Bates, County of Orange
Trish Kelley, Mission Viejo
Tri Ta, Westminster
Phillip Tsunoda, Aliso Viejo

PUBLIC HEARING(S)

No items.

REPORTS

5. Chief's Report (F: 11.14)

The Fire Chief had nothing to report.

BOARD MEMBER COMMENTS (F: 11.13)

Director Shawver thanked Fire Station 46 for helping the City of Stanton at its holiday event.

Director Bressette thanked Fire Station 22 for allowing him to participate in a ride-along and encouraged fellow Board members to participate in this program.

Director Swift announced that Knott's Berry Farm was offering limited free entry to fire personnel and veterans.

Director McCullough wished everyone a Merry Christmas and a happy safe new year.

CLOSED SESSION (F: 11.15)

General Counsel David Kendig reported the Board would be convening to Closed Session to consider the matter on the Agenda identified as CS2, Conference with Legal Counsel-Existing Litigation.

Chair Weinberg recessed the meeting to Closed Session at 6:00 p.m.

CS2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: Orange County Fire Authority V. California Department of Industrial Relations, e.t. al.

Case No.: OC Superior Court Case No. 30-2013-00628178

Authority: Government Code Section 54956.9(A)

Closed Session Report

Chair Weinberg reconvened the meeting at 6:10 p.m.

CLOSED SESSION REPORT (F: 11.15)


General Counsel David Kendig announced the Board considered and unanimously authorized an offer of settlement on CS2, the substance of which, upon acceptance by the parties will be disclosed after the agreement has been fully executed.

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ADJOURNMENT – Chair Weinberg adjourned the meeting at 6:12 p.m. The next regular meeting of the Orange County Fire Authority Board of Directors is scheduled for January 23, 2014, at 6:30 p.m.



Sherry A.F. Wentz, CMC
Clerk of the Authority